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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,374	12/31/2003	Patrick W. Smith	101.00011	4893

49754            7590            04/25/2007  
TASER INTERNATIONAL, INC.  
17800 N. 85TH STREET  
SCOTTSDALE, AZ 85255-9603

EXAMINER
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KITOV, ZEEV V

ART UNIT	PAPER NUMBER
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2836

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/750,374	SMITH ET AL.	
	Examiner Zeev Kitov	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 March 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 42 - 71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 52 - 71 is/are allowed.
- 6) Claim(s) 42, 43, 46, 48, 50, 51 is/are rejected.
- 7) Claim(s) 47 and 49 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

Examiner acknowledges a submission of the amendment and arguments filed on March 29, 2007. Claims A1 – 41 are deleted. New Claims 42 – 71 are added. A new Office Action follows.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 42, 43, 46, 48, 50 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Watkins III et al. (US 6,999,295). Regarding Claim 42, Watkins III et al. disclose following: a method, performed by an apparatus, the apparatus for interfering with locomotion of a target by conducting a current through the target, the method including: providing a first pulse of the current (see Fig. 7), the first pulse having a first amount voltage; It further discloses a second pulse of the current having a second amount of voltage, which is responsive to a result of monitoring (col. 6, lines 4 – 11). The microprocessor continuously performs monitoring of the target electrical parameters (col. 8, lines 30 – 44, col. 17, lines 4 – 11). Monitoring provision of the first

pulse is inherent in the mode of operation of the system, since as Fig. 5C shows, first stage pulse application results in a dramatic drop of impedance and subsequent activation of the second pulse cannot be provided unless the impedance drop is assured (col. 6, lines 4 – 11).

Regarding Claim 43, Watkins III et al. disclose determining an amount of delivered charge and whether a charge greater than a threshold amount was output from the apparatus during provision of the first pulse (claim 31). For known value of capacitor and known shape of the pulse a measured voltage presents indication of charge.

Regarding Claim 46, Watkins III et al. disclose providing the first pulse including storing energy in a capacitance (shown in Fig. 1); and monitoring further comprises detecting a decrease in an energy stored in the capacitance (shown in Fig. 6).

Regarding Claim 48, Watkins III et al. disclose providing the second pulse having the second voltage lower than the first voltage (Fig. 4B).

Regarding Claim 50, Watkins III et al. disclose providing the first pulse sufficient to ionize air in the gap in series with the target (see Abstract).

Regarding Claim 51, Watkins III et al. disclose the first voltage being a peak voltage (Fig. 6).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Regarding Claims 44 and 45, Watkins III et al. disclose the microprocessor continuously performing monitoring of the target electrical parameters (col. 8, lines 30 – 44, col. 17, lines 4 – 11). As Fig. 5C shows, first stage pulse application results in a dramatic drop of impedance (col. 6, lines 4 – 11), i.e. it implicitly discloses existence of the threshold. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Watkins III et al. to provide the threshold to distinguish between high and low values of impedance, because this is the only known way to establish transition between the high and the low values of impedance. Accordingly, substantial reduction of the impedance shown in Fig. 5C provides an indication that the first pulse achieved its goal of accomplishing ionization of air in the gap.

### ***Allowable Subject Matter***

1. Claims 52 – 71 are allowed. Reasons for that are as follows: an independent Claim 52 discloses, inter alia, the second pulse generation being conditioned on results of testing of the path existence conducted at the time of the first pulse. Such limitations in combination with other limitations of the claim have not been found in the collected prior art of the record.

2. Another independent Claim 56 discloses, inter alia, some elements of two stages being overlapping. Such limitations in combination with other limitations of the claim have not been found in the collected prior art of the record.
3. Claims 47 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The reasons for that are that Claim 47 discloses, inter alia, the second pulse having a voltage sufficient for ionization of the air gap and Claim 49 discloses, inter alia, the second pulse carrying the voltage higher than the first pulse. Both limitations combined with other limitations of the claims have not been found in the collected prior art of the record.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeev Kitov whose current telephone number is (571) 272 - 2052. The examiner can normally be reached on 8:00 – 4:30. If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272 – 2800, Ext. 36. The fax phone number for organization where this application or proceedings is assigned is (571) 273-8300 for all communications.

Z.K.  
4/10/2007



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